UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/093,958	06/08/1998	JEFFREY L. KEITH	MS1-230US	7840

22801	7590	09/23/2005

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EXAMINER
BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/093,958	KEITH ET AL.
	Examiner	Art Unit	
	Andre Boyce	3623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 May 2005</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>43-55</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>43-55</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/29/05</u>.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114 was filed in this

application after appeal to the Board of Patent Appeals and Interferences, but prior

to a decision on the appeal. Since this application is eligible for continued

examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and

prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on May 27, 2005 has been entered.

2.   Claims 1-4, 20-23, and 36-42 have been canceled. Claims 43-55 have been

added.

Claim Objections

3.   Claim 53 is objected to under 37 CFR 1.75(c) as being in improper dependent

form. The claim would fail the infringement test as seen in MPEP 608.01(n)(III),

since someone could infringe on claim 53 without infringing on the base claim 49.

Applicant is required to cancel the claim, amend the claim to place the claim in

proper dependent form, or rewrite the claim in independent form.

4.   Claims 45, 54, and 55 are objected to because of the following informalities: The

claims begin "The parcel manager as recited...," however they depend from a

software program claim (i.e., claim 45 depends from claim 43), and a method claim

(i.e., claims 54 and 55 depend from claim 49). Appropriate correction is required.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 43-45 and 49-55 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Claims 43 and 49 recite the limitation "the parcel component" in lines 6 and 9,

respectively. There is insufficient antecedent basis for this limitation in the claim.

Claims 44 and 45 depend from claim 43, while claims 50-55 depend from claim 49.

Claim Rejections - 35 USC § 102

6.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

7.   Claims 46, and 49-53 are rejected under 35 U.S.C. 102(e) as being anticipated

by Haff et al (USPN 6,219,669).

As per claim 46, Haff et al disclose in an electronic system for transferring data

from a local computer to a remote computer (i.e., file transfer system, column 21,

lines 31-35), a software program embodied on a computer readable medium for

execution on the local computer (computer program incorporating functional

modules, column 21, lines 29-30), the software program having a notification object
that is responsive to separate commands to perform services comprising (i.e., file
transfers are logged via control module, see column 22, lines 46-50); awaiting
information concerning creation or arrival of a parcel used to carry the data between
the local and remote computers (i.e., indication in an event log window when the
transmission of the packet is complete, column 22, lines 46-50), wherein the parcel
is particularized to contain a particular type of data (file packet, see column 22, lines
34-37); designating parcel events of which the status is requested (i.e., event log,
including completed and pending events 24, figure 15); and updating a status on the
parcel (i.e., updating of the file transfer status, including complete, pending, and
failed, column 24, lines 24-26).

As per claim 49, Haff et al disclose a method for managing transfer of data from
a local computer to a remote computer (file transfer system, see column 21, lines
31-35), comprising the following steps: receiving a request to transfer data at a
parcel manager application program interface (i.e., control module governs and
supervises transmission and receipt of files, column 22, lines 6-8); creating a parcel
object to hold the data via a function of the parcel manager application program
interface (i.e., control module calls compression subroutine that copies and
compresses the file, column 22, lines 30-34), wherein the created parcel object is
particularized to hold a particular type of data (file packet, column 22, lines 34-37);
creating a notification object via a second function of the parcel manager application
program interface (i.e., file transfers are logged via control module, see column 22,

lines 46-50); and tracking, via the notification object, a status of the parcel as the

parcel components are transferred to the remote computer (i.e., indication in an

event log window when the transmission of the packet is complete, column 22, lines

46-50).

As per claim 50, Haff et al disclose comprising the step of creating one or more

parcel component objects to hold the data via a function of the parcel object (i.e.,

control module calls compression subroutine that copies and compresses the file,

column 22, lines 30-34).

As per claim 51, Haff et al disclose comprising the step of updating the status of

the parcel (i.e., updating of the file transfer status, including complete, pending, and

failed, column 24, lines 24-26).

As per claim 52, Haff et al disclose the request is received from an external

application (sender initiates transfer by sending file characteristic information and

sender identification, column 26, lines 44-47), and further comprising the step of

sending the status of the parcel to the external application (transfer status of sent file

is logged, column 27, lines 49-51).

Claim 53 is rejected based of claim 49, since it is the computer program claim

corresponding to the method claim.

Claim Rejections - 35 USC § 103

8.   Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haff et

al (USPN 6,219,669), in view of Van Venrooy et al (USPN 6,233,602).

As per claim 43, Haff et al disclose in an electronic system for transferring data

from a local computer to a remote computer (i.e., file transfer system, column 21,

lines 31-35), a software program embodied on a computer readable medium for

execution on the local computer (computer program incorporating functional

modules, column 21, lines 29-30), the software program having a bulletin object (i.e.,

event log, see column 22, lines 46-50) that is responsive to separate commands to

perform services comprising: specifying a type of a bulletin (i.e., event log), the

bulletin being used to hold status information regarding transfer of the parcel

components (i.e., status of file transfer, column 24, lines 20-24), wherein each of the

parcel components is particularized to contain a particular type of data (file packet,

see column 22, lines 34-37). Haff et al does not disclose designating a pointer to

detail information for the bulletin; sending the bulletin to the remote computer; and

receiving the bulletin from the remote computer. Van Venrooy et al disclose building

the necessary packets and passing the pointers to this information to the computer

program that in turn sends the packets to the remote host (column 11, lines 50-53

and 59-65). Both Haff and Van Venrooy are concerned with effective data transfer,

therefore it would have been obvious to one having ordinary skill in the art at the

time the invention was made to include designating a pointer to detail information for

the bulletin in the Haff et al system, as seen in the Van Venrooy et al system,

thereby determining the status of the transfer more efficiently, increasing the speed

of the system (see Haff, column 47, lines 5-6).

9.   Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Haff et al (USPN 6,219,669), in view of Van Venrooy et al (USPN 6,233,602), in

further view of Kolling et al (USPN 5,963,925).

        As per claim 44, neither Haff et al nor Van Venrooy et al explicitly disclose the

particular type of data being (electronic) batch statement data. Kolling et al disclose

electronic batch statement data sent by a biller (see column 9, lines 4048). Haff, Van

Venrooy, and Kolling are all concerned with effective data transfer, therefore it would

have been obvious to one having ordinary skill in the art at the time the invention

was made to include batch statement data in the Haff et al system, as seen in the

Kolling et al system, thereby being able to effectively communicate the cost of

services rendered (see Haff et al, column 1, lines 51-55), thus making the system

more flexible in dealing with various business models (see Haff, column 47, lines 5-

6).

        As per claim 45, neither Haff et al nor Van Venrooy et al explicitly disclose the

particular type of (electronic) data being selected from the group consisting of

consumer information data, payment data, batch statement data, and statement

template data. Kolling et al disclose electronic batch statement data sent by a biller

(see column 9, lines 40-48). Haff, Van Venrooy, and Kolling are all concerned with

effective data transfer, therefore it would have been obvious to one having ordinary

skill in the art at the time the invention was made to include batch statement data

selected from the above group, in the Haff et al system, as seen in the Kolling et al

system, thereby being able to effectively communicate the cost of services rendered

(see Haff et al, column 1, lines 51-55), thus making the system more flexible in

dealing with various business models (see Haff, column 47, lines 5-6).

10.   Claims 47, 48, 54, and 55 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Haff et al (USPN 6,219,669), in view of Kolling et al (USPN

5,963,925).

As per claims 47 and 54, Haff et al do not explicitly disclose the particular type of

data being (electronic) batch statement data. Kolling et al disclose electronic batch

statement data sent by a biller (see column 9, lines 4048). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

include batch statement data in the Haff et al system, as seen in the Kolling et al

system, thereby being able to effectively communicate the cost of services rendered

(see Haff et al, column 1, lines 51-55), thus making the system more flexible in

dealing with various business models (see Haff, column 47, lines 5-6).

As per claims 48 and 55, Haff et al do not explicitly disclose the particular type of

(electronic) data being selected from the group consisting of consumer information

data, payment data, batch statement data, and statement template data. Kolling et al

disclose electronic batch statement data sent by a biller (see column 9, lines 40-48).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include batch statement data selected from the above group,

in the Haff et al system, as seen in the Kolling et al system, thereby being able to

effectively communicate the cost of services rendered (see Haff et al, column 1,

lines 51-55), thus making the system more flexible in dealing with various business models (see Haff, column 47, lines 5-6).
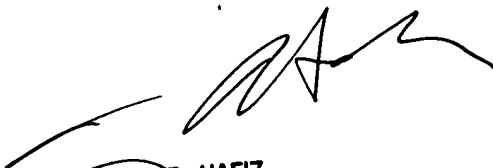
Conclusion

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adb
September 17, 2005

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